

Beth E. Terrell, WSBA #26759
Erika L. Nusser, WSBA #40854
Attorneys for Plaintiffs
TERRELL MARSHALL DAUDT & WILLIE PLLC
936 North 34th Street, Suite 300
Seattle, Washington 98103-8869
Telephone: (206) 816-6603
Facsimile: (206) 350-3528
Email: bterrell@tmdwlaw.com
Email: enusser@tmdwlaw.com

[Additional Counsel Appear on Signature Page]

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

WODENA CAVNAR , ROSALINE
TERRILL AND LINDA PARKS, on
their own behalf and on the behalf of all
others similarly situated,

Plaintiffs,

v.

BOUNCEBACK, INC., a Missouri
Corporation , STONE FENCE
HOLDINGS, INC., GALE KRIEG, and
DOES 1 through 20,

Defendants.

NO. 2:14-cv-00235-RMP

**JOINT STATUS CERTIFICATE
AND DISCOVERY PLAN**

Plaintiffs and Defendants, in compliance with Fed. R. Civ. P. 26(f), inform
the Court as follows:

JOINT STATUS CERTIFICATE AND
DISCOVERY PLAN - 1
CASE NO. 2:14-CV-00235

TERRELL MARSHALL DAUDT & WILLIE PLLC
936 North 34th Street, Suite 300
Seattle, Washington 98103-8869
TEL. 206.816.6603 • FAX 206.350.3528
www.tmdwlaw.com

1 1. Fed. R. Civ. P. 26(a)(1) Initial Disclosure Deadline. The initial Fed.
2 R. Civ. P. 26(f) conference between the parties to this joint status report took
3 place on August 21, 2014.

4 2. Subject Matter. Plaintiffs intend to conduct discovery regarding the
5 allegations in Plaintiffs' complaint; Defendants' affirmative defenses; and
6 testimony of any expert witnesses identified by Defendants. Plaintiffs also intend
7 to pursue third party discovery.

8 Defendants intend to conduct discovery regarding the allegations of the
9 representative Plaintiffs, any other witnesses disclosed by Plaintiffs, initial and
10 follow up document discovery and testimony of any expert witnesses identified
11 by Plaintiffs.

12 **DISCOVERY PLAN**

13 1. Electronically Stored Information ("ESI"). The parties will work to
14 ensure that discovery is managed efficiently, have discussed, and are continuing
15 to discuss, the electronic systems used by each party and the form of production
16 that will be used, including the production of native files when appropriate.

17 2. Privilege and Protection Issues. The parties agree that any
18 information or documents withheld as privileged will be logged on a privilege
19 log. The parties are discussing an appropriate protective order to handle the
20 treatment of confidential information.

1 3. Changes to Limitations on Discovery. The parties agree that
2 additional discovery will be necessary in this case given the number of third-
3 parties in Washington with whom Defendants contract. The parties therefore
4 stipulate that Plaintiffs and Defendants may serve on any other party no more
5 than 50 written interrogatories, including all discrete subparts. The parties also
6 stipulate that Plaintiffs and Defendants may each take 20 depositions.

7 4. Plaintiffs served their initial disclosures on Defendants on September
8 26, 2014. Plaintiffs have not yet received Defendants' initial disclosures.

9 5. Plaintiffs served Defendants with written discovery on September 5,
10 2014. Defendants' responses are due on October 6, 2014.

11 6. Plaintiffs have served third-party subpoenas on merchants to whom
12 Plaintiffs and putative class members allegedly wrote checks and to collection
13 agencies who attempted to collect on those checks. Plaintiffs will serve third-
14 party subpoenas on county prosecutors who participate in Defendants' check
15 collection program.

16 7. The parties propose the following case schedule:¹
17
18

19 ¹ The interim deadlines were generated on the Court's website. Some of them fall
20 on Saturdays.

EVENT	DATE
Plaintiffs' Expert Disclosures	October 30, 2015
Defendant's Expert Disclosures	November 28, 2015
Rebuttal Disclosures	December 19, 2015
Discovery Cut Off	January 16, 2016
Dispositive Motions Deadline	February 6, 2016
Settlement Certificate Due	March 5, 2016
Settlement Status Conference	March 12, 2016
Witnesses, Exhibits, Deposition Designations	May 6, 2016
Objections to Witnesses, Exhibits, etc.	May 13, 2016
Response to Witness, Exhibit Objections	May 20, 2016
Cross Designation	May 13, 2016
Objections to Designation	May 20, 2016
Motions in limine	May 21, 2016
Response to Motions in limine	May 28, 2016
Replies to Motions in limine	June 4, 2016
Pretrial Order	June 10, 2016
Trial Briefs & Voir Dire	June 10, 2016
Instructions (agreed to & disputed) and Memorandum in Objection to Disputed Instructions	June 10, 2016
Pretrial Conference	June 22, 2016
Trial	July 5, 2016

1 8. Other Orders. The parties are discussing an appropriate protective
2 order to handle the treatment of confidential information.

3 9. The parties have also agreed as follows:

4 a. Service of Process on parties not yet served. Plaintiffs have
5 served all Defendants.

6 b. Jurisdiction and Venue. This Court has subject matter
7 jurisdiction pursuant to 28 U.S.C. § 1331, as the matter involves allegations that
8 Defendants have violated federal law. The Court also has supplemental
9 jurisdiction over Plaintiffs' Washington State law claims pursuant to 28 U.S.C. §
10 1367(a) because the state law claims asserted in this action are so related to the
11 federal claims that they form part of the same case or controversy under Article
12 III of the U.S. Constitution. This Court has personal jurisdiction over Defendants
13 because Defendants conduct business in this District and a substantial part of the
14 events giving rise to the claims occurred in this District.

15 Venue is proper in this District pursuant to 28 U.S.C. § 1391(b) because a
16 substantial part of the events giving rise to the claims occurred in this District.

17 Defendants may challenge assertion of jurisdiction based on federal statute
18 law, and otherwise do not waive any right to challenge jurisdiction.
19
20

c. Anticipated Motions.

(1) Defendants may move the Court relative to their affirmative defense re joinder under FRCP 19.

(2) Defendants anticipate filing a dispositive motion within 90 days following submission of this report. A briefing schedule will be requested at that time.

(3) The parties propose the following briefing schedule for Plaintiffs' motion for class certification:

- Plaintiffs' Opening Brief: June 29, 2015
- Defendants' Response: August 3, 2015
- Plaintiffs' Reply: August 17, 2015

The parties agree that discovery will not be bifurcated.

Defendants anticipate bringing a motion for summary judgment. In that regard, Defendants respectfully request that hearing on any filed dispositive motions not occur in the schedule prior to January 1, 2015. In that regard, any discovery preceding such motion is likely to be interrupted by the holiday season from Thanksgiving through the end of 2014.

Plaintiffs do not agree that discovery should be stayed or otherwise affected by Defendants' plan to file a motion for summary judgment.

1 d. Trial.

2 i. Length: Twenty-one (21) court days.

3 ii. Jury trial requested (ECF No. 1).

4 e. Special Procedures. The parties are not aware of any need for
5 consolidation, reference to a special master or magistrate, arbitration or to the
6 Judicial Panel on Multi-district Litigation.

7 f. Modification of Pretrial Procedures. The parties are not aware of any
8 need to modify the standard pretrial procedures.

9 g. Bifurcation. The parties are not aware of any need for a bifurcated
10 trial.

11 h. Magistrate. The parties do not agree to proceed before a Magistrate
12 Judge.

13 i. Likelihood of Settlement and the Point at Which the Parties Can
14 Conduct Meaningful Dispute Resolution. The parties agree that mediation may be
15 appropriate at around the time of the discovery cut-off.

16 j. Other Matters/Suggestions for Just, Efficient, and Economical
17 Determination of the Action.

18 i. Joint Submission and/or Letter Briefing for Discovery
19 Motions. The parties agree and propose to use an expedited procedure for
20 consideration of discovery motions as set forth in Local Civil Rule 37.1.

ii. Electronic Service. The parties agree that, for purposes of service and computation of response deadlines under the Local Rules, filing by ECF will constitute service by hand on the date ECF automated notification is sent. The parties agree that electronic service of all other documents, including discovery requests and responses, shall also constitute sufficient service.

RESPECTFULLY SUBMITTED AND DATED this 6th day of October, 2014.

TERRELL MARSHALL DAUDT & PAINE HAMBLÉN LLP
WILLIE PLLC

By: /s/ Beth E. Terrell, WSBA #26759 By: /s/ Scott C. Cifrese, WSBA #25778

Beth E. Terrell, WSBA #26759
Erika L. Nusser, WSBA #40854
Attorneys for Plaintiffs
936 North 34th Street, Suite 300
Seattle, Washington 98103-8869
Telephone: (206) 816-6603
Facsimile: (206) 350-3528
Email: bterrell@tmdwlaw.com
Email: enusser@tmdwlaw.com

Deepak Gupta
GUPTA BECK PLLC
Attorneys for Plaintiffs
1735 20th Street, NW
Washington, DC 20009
Telephone: (202) 888-1741
Email: deepak@guptabeck.com

Scott C. Cifrese, WSBA #25778
David L. Broom, WSBA #2096
Attorneys for Defendants
717 W. Sprague Ave., Suite 1200
Spokane, Washington 99201
Telephone: (509) 455-6000
Facsimile: (509) 838-0007
Email:
scott.cifrese@painehamblen.com
Email:
dave.broom@painehamblen.com

Nicholas Power, WSBA #45974
Attorneys for Plaintiffs
540 Guard Street, Suite 150
Friday Harbor, Washington 98250
Telephone: (360) 298-0464
Email: nickedpower@gmail.com

CERTIFICATE OF SERVICE

I, Beth E. Terrell, hereby certify that on October 6, 2014, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

Scott C. Cifrese, WSBA #25778
David L. Broom, WSBA #2096
Attorneys for Defendants
717 W. Sprague Ave., Suite 1200
Spokane, Washington 99201
Telephone: (509) 455-6000
Facsimile: (509) 838-0007
Email: scott.cifrese@painehamblen.com
Email: dave.broom@painehamblen.com

DATED this 6th day of October, 2014.

TERRELL MARSHALL DAUDT
& WILLIE PLLC

By: /s/ Beth E. Terrell, WSBA #26759
Beth E. Terrell, WSBA #26759
Attorneys for Plaintiffs
936 North 34th Street, Suite 300
Seattle, Washington 98103-8869
Telephone: (206) 816-6603
Facsimile: (206) 350-3528
Email: bterrell@tmdwlaw.com